

may be involved in follow-on regulations to address these adjacent facilities in the future. In the interim, the AMS Plan will address these types of facilities and COTPs may require specific facilities storing dangerous or pollutant cargoes to add security measures appropriate to their operations and the MARSEC Level.

Applicability Evaluation for Outer Continental Shelf (OCS) Facilities

The N-RAT results indicate that the following OCS facilities are at a high risk of a transportation security incident and are therefore subject to part 106 of subchapter H:

- OCS facilities that produce 100 thousand barrels of oil or 200 million cubic feet of natural gas per day or regularly host more than 150 personnel on a daily basis (may exceed this number for periods of time not in excess of 90 days).

The N-RAT results indicate that the following OCS facilities are at a lower risk of a transportation security incident and are therefore subject to parts 101 through 103 of subchapter H:

- Unmanned platforms and lower production level platforms.

The N-RAT was also not able to provide sensitivity to the OCS facility size or production level that sufficiently pointed to a determination of the terms "significant loss of life, economic disruption in a particular area, transportation system disruption, or environmental damage" which are required elements of the transportation security incident definition. To develop this threshold, we worked in conjunction with the Minerals Management Service (MMS) to compare OCS facility production rates and operations throughout the industry. The 150-person threshold was also used to remain consistent with the vessel and facility thresholds. Those OCS facilities that do not fall within the rather narrow parameters of this threshold should consider security measures. We will continue to work with the MMS to validate this threshold as the results of the other agencies of DHS (e.g., TSA) intermodal comparisons are completed. In the interim, the AMS Plan will address these types of OCS facilities and COTPs may require specific offshore facilities with unique or higher-risk operations to add security measures appropriate to their operations and the MARSEC Level.

Assessment Limitations

While the N-RAT is a very useful tool and offers an excellent way to collect and organize expert judgments about security risk issues, it is not perfect. One

limitation is that the quality of the results depends directly on the knowledge and expertise of the expert assessors. Inexperienced personnel with limited perspectives will produce results with limited value. It is essential that seasoned evaluators with a broad experience base be used to ensure full consideration of multiple aspects of the issues. The Coast Guard assessment teams included mid-career and senior professionals with experience in ship design, construction and operation, hazardous materials and facility inspections as well as waterways management and port operations.

Another limitation of the N-RAT is that it looks at risk in a relative way. The N-RAT is considered a "relative risk-indexing" tool, meaning that it is only useful in comparing scenarios evaluated with the tool. The N-RAT does not provide a measure of absolute risk that can be compared to other situations not evaluated in this tool.

A third limitation is that the N-RAT is unable to measure all of the benefits attributable to intelligence or information gathering initiatives, which are commonly called "Maritime Domain Awareness (MDA) initiatives." Measures such as AIS increase awareness and may provide earlier detection or even serve as a deterrent to a transportation security incident, but the assessment tool is unable to capture this effect based on the factors evaluated and the sensitivity of the rating scales. Increased awareness by itself does not decrease the threat or vulnerability at a measurable level subject to the sensitivities of the model. Therefore, the expert panel was unable to account for all of the benefits we believe should be derived from specific MDA initiatives.

Since the N-RAT results highlight the worst-credible case scenarios, a fourth limitation is that the listed results are not sensitive to all scenarios, such as a high profile historically-based incident. We know that small boats loaded with explosives were used as weapons to attack the USS COLE and the tank ship LIMBURG. We cannot discount the possibility of this type of incident in the U.S. or against U.S. vessels outside of the U.S. It is our belief that the best means of deterring such an incident, to the maximum extent practical, is to require certain facilities used in maritime commerce to conduct an assessment of their vulnerability to being used as a staging area for terrorist activities. These facilities would then construct a detailed plan to control access to the facility, permitting the movement or entrance of only authorized persons and cargoes onto and through the facility. This plan will

enable the facility to have increased vigilance, awareness and control over those vessels and persons that are served by the facility. We also believe the possibility of a "COLE-like" incident can be reduced by requiring vessels that would likely be the target of such an attack to likewise assess their vulnerability to such an incident and similarly develop a security plan. This plan would include procedures for security monitoring and increased security vigilance, including security with respect to vessel-to-vessel activities. In addition, vessel and facility plans should include how they would address recreational vessels approaching that they reasonably suspect may pose a threat to them. These facility and vessel security requirements will be complemented by the development of an AMS Plan involving port stakeholders. This plan will address the security measures to be implemented for all port activities at different security levels. The control and movement of vessels, such as small vessels that could be used as a weapon, will be considered and addressed in the AMS Plan. These controls would include such measures as the possible restriction of all small vessel movements, the implementation and through enforcement of security zones and the coordination of all security patrols in the port.

Lastly, the threat, vulnerability, and consequence scores each have discrete values associated with them. Because there were only 5 scores (1 through 5) for each input variable, the level of resolution (or "granularity") of the risk calculations was limited. This was especially true when assessing the impact of risk reduction initiatives or actions. In many cases, a new initiative or action may have a distinct improvement, but not enough to change a score assignment (e.g., changing the accessibility score from a score of 4 to a score of 3).

Discussion of Comments to Maritime Security Public Meetings

As mentioned, the notice of meeting published on December 30, 2002, requested comments on requirements that align domestic maritime security requirements with the ISPS Code and recent SOLAS amendments, to comply with section 102 (Port Security) of the MTSA, 2002.

General Comments for all public meetings. Several comments and issues were discussed at all seven public meetings that reflect general, overarching concerns of the maritime community for implementing National Maritime Security requirements. These